

LS-8144

7-2

Assistant Comptroller

27 April 1954

Office of General Counsel

25X1A7b

Propriety of Agency Payment for Dependent Schooling [REDACTED]

REFERENCE: Your Memorandum dated 12 March 1954

OGC HAS REVIEWED.

1. In your memorandum, you requested the opinion of this office with regard to the authority of this Agency to pay for the schooling of the infant dependent of an [REDACTED] employee stationed in [REDACTED]. You asked also for our opinion in "similar cases." Supportive of the theory that such payment could be made you called to our attention "the principle and procedure adopted in the case of [REDACTED] dependant schooling at [REDACTED] . . . in accordance with DCI approval dated 1 October 1951 . . ." This relates to our memorandum to you dated 13 September 1951 on this subject.

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2. From the information contained in your memorandum, and as supplemented by a telephone conversation between this office and yours on 20 April 1954, it appears that the school in which it is desired that the dependent be enrolled is an Army-run school in [REDACTED]. Also we are informed that the [REDACTED] employee concerned is not under [REDACTED] and that there are other schools in [REDACTED] in addition to the Army one.

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3. The subject of Agency payment for the schooling of the dependents of its employees stationed in overseas areas exhaustively was treated by this office in a memorandum to the DD/P-Admin, dated 5 May 1953. A copy of this opinion is enclosed. [REDACTED]

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In the instance of the dependent of the [REDACTED] [REDACTED] employee, it is worth remarking that: (1) CIA employees on [REDACTED] are under [REDACTED] and (2) the Army-run school on [REDACTED] is the only school there. Neither is true in the present situation.

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5. None of the criteria posed in our memorandum of 5 May 1953 seems applicable here. This situation differs from the [REDACTED] situation in what we deem to be important respects as regards those criteria. And these considerations, plus the state of the law on the subject, lead us to the conclusion that the advancement of sufficient funds to pay for the education of his infant dependent to an [REDACTED] employee stationed in [REDACTED] properly may be withheld. The final decision, however, rests with the Director under Agency Notice [REDACTED]. Because decisions in these matters are functions of the particular facts and circumstances of each case, we are reluctant to pass on "similar cases" which are not before us.

6. The papers are returned.

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[REDACTED]

Attachment

OGC/HF:afb

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